(d) if so, the reaction of Government on the views of the Bar Council of India and to bring transparency in the selection of Judges of Supreme Court and High Courts?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir.

(b) Does not arise.

(c) and (d) Appointment of Judges in the Supreme Court and the High Courts are made in pursuance to the Supreme Court Judgment of October 6, 1993 in the Supreme Court Advocates-on-Record and Anr. Vs. Union of India, read with their Advisory Opinion of October 28, 1998. In the case of Supreme Court, the proposals are initiated and recommended by the Chief Justice of India while in the case of appointments of High Courts, the proposals are initiated by the Chief Justice of the concerned High Court and recommended by the Chief Justice of India.

Review of outdated laws

223. SHRIMATI SHOBHANA BHARTIA:
PROF. ALKA BALRAM KSHATRIYA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission has asked the States to set up State Law Commissions, to review the outdated laws and to update the legal system;

(b) if so, the details thereof;

(c) whether, to enact the new laws by the States, approval of the Central Government would be required; and

(d) if so, how the review of outdated laws is going to impart speedy justice to the common man?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Yes Sir. The Hon'ble Chairman Law Commission of India has addressed a letter dated 17th September 2008 to the Chief Minister of 21 States, who has not set up State Law Commission.

(b) and (d) The Legislature of a State has exclusive power to make laws for the whole or any part of the State with respect to any of the matters enumerated in List-II (State List) of the Seventh Schedule and has power to make laws with respect to any of the matters enumerated in List-III (Concurrent List) of the Seventh Schedule under Article 246 of the Constitution. The laws are reviewed/amended from time to time with a view to coordinate and harmonize for providing justice to common man.

Setting up of Lok Adalats

224. SHRIMATI SHOBHANA BHARTIA:
DR. JANARDHAN WAGHMARE:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Chief Justice of India has stressed the need to introduce more Lok Adalats in various courts to meet the challenge of pending cases;

(b) if so, the details thereof;

(c) whether the number of cases in courts are increasing and if so, how many cases have been disposed off during the last year; and

(d) the other strategy to be adopted by Government to clear the pending cases within a bound time/period?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Yes, Sir. Hon'ble Chief Justice of India has time and again stressed the need for organizing more and more Lok Adalats by State Legal Services Authorities in reducing the Pendency of cases in High Courts and Lower Courts. Lok Adalats have also been organized in the Supreme Court w.r.t. pending cases in the Supreme Court, Organizing Lok Adalats is a continuing process and by very nature of the purposes of holding Lok Adalats, the same are need based.

(c) Yes, Sir. During the calender year 2007, about 67,050 Lok Adalats have been organized in which about 23,83,100 cases have been disposed off.

(d) National Legal Services Authority is taking steps to promote Alternative Dispute Resolution Mechanism which aims at expeditious settlement of disposed of disputes at pre-litigative and post litigative stages through various strategies such as Lok Adalats, Arbitration, conciliation, mediation and judicial settlement. As a part of the settlement of cases through mediation and conciliation centers, ADR centers are being set up in all the High Courts and in selective districts of the States in the country. And also, Plea Bargaining and Section 89 of the Civil Procedure Code have been introduced for strengthening ADR mechanism.

Non-functional benches of High Courts

†225. SHRI JAI PARKASH AGGARWAL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether benches of some High Courts in the country are non-functional;

(b) if so, the number of such benches, as on date, High Courts-wise;

(c) whether it is a fact that Government has received memoranda/requests for establishment of some High Court benches in the country during the last few years;

(d) if so, the details thereof;

(e) for which High Court benches, Government has received applications to make them functional again; and

(f) the action taken by Government in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir.

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†Original notice of the question was received in Hindi.